

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

LAWRENCE DAVIS JR/STEWART JONES 355649C
MARY WOMBLE, JAMES WHITE
BRODIE TONEY, DAVIS MECHANICS
KELLY DAVIS, BRENDAN GLEWEN
(Enter above the full name of the plaintiff
or plaintiffs in this action). SAU/ATL/ME/MS/
(DAVNY MA) (COT/ED)

VERSUS

STAFF would allow
me to get inmates
(Inmate Reg. # of each Plaintiff)
CIVIL ACTION NO. 3:20-cv-00598
(Number to be assigned by Court)

KIRK WOODGE/STJON
THOMAS/LT. DAVIS/
ANKLEB MC GRAW/MED/
STAFF

(Enter above the full name of the defendant
or defendants in this action)

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes _____ No X

- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs:

WA

Defendants:

2. Court (if federal court, name the district; if state court, name the county);

3. Docket Number: _____

4. Name of judge to whom case was assigned:

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of Present Confinement: West Virginia Regional Jail

A. Is there a prisoner grievance procedure in this institution?

Yes X No _____

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes X No _____

C. If your answer is YES:

1. What steps did you take? I sent multiple emails

GRIEVANCES > Appeal Forms

2. What was the result? nothing is done

actions little too nothing

D. If your answer is NO, explain why not: _____

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: ALONZO Clinton Davis Jr. #5556498

Address: One Oval Dr./Burrville W.V. 25504

B. Additional Plaintiff(s) and Address(es): Stuart Joseph Ross

Tony Key Davis, Brandon Gardner, Deonte
McClintics, Steven White, Michael
Davis, N.Y. State Prison Attala (detd)

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: Karen Horridge

is employed as: Supervisor
at WRJ

D. Additional defendants: Marcus Alexander L. Davis
Mervin (Stiff) And (a) McGraw
(Executive Director)

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Now comes Andrew Davis Jr. and (1 of 8) plaintiff. I have tried to gain fairness, equal treatment, and transparency from the Western Regional Jail for myself and the inmates who were also involved in a Major issue that occurred on 3/29/20. However, I am left with no recourse but to submit this complaint. In this I

IV. Statement of Claim (continued):

shall outline a number of facts and (2 of 8) issues alone. Not hyperbole nor conjecture and allow the courts to determine if we have a sufficient claim, allow me to qualify: class 1.) I, and the other named plaintiffs minus Tony and Jordan III were alleged to have been involved in a Assault and Battery that occurred on 3/29/20, including myself and several other cont..

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

I request \$1,000 dollars for everyday I spent in the hole. \$100,000 for being subjected to Systemic Racism, denial of due process pain and suffering while inside segregation as I have previous heart and mental issues staff's indifference in exposing us to the possible Covid issues and bringing Tony into the pod, a culture of fear that I have to live with and

Issue I Continued.)

(3 of 8)

"White" inmates. All of the "White" inmates escaped discipline and culpability. All of the black inmates, including myself were taken to the hole within a 24 hour period. When asked why no white inmates who were also involved were going to the hole, the Lt. Diamond said it was quote "still under investigation", yet there was no need to investigate any further, besides the review of the video tape, when it came to all of the alleged black participants. But more investigation "was" needed when it came to the "white" inmates. All of the black participants were written up as a 1.08 write up. This states (possession of a weapon). When it should have been a 1.02. Accordance with the charge Assault and Battery. On 4/4/20, I had a conversation with C.O. / Hearing officer Mr. Smidcot, he told me if I took a "plea" that the jail would drop it to a fight. I declined the "plea" and he then brought me a continuance signed by Sgt. Brewer. I was told that I would receive a hearing on the following week, but this date came and went. On 4/15/20 I submitted a grievance which was never returned. On 4/27/20 I submitted another one, this one had no response to it, but had a # 20-WRJ-A5-292 listed. After doing several more weeks in the hole, I received a refusal

Issue 1 Continued.) (4 of 8)

order on the ticket because it was alleged that I would not leave the hole. I was found guilty and appealed it on 5/15/20 and turned it into C.O. Starberry. Never did I receive a response on that. I have all documentation on these things and can prove easily if required. Not only was the tickets written up wrong, but my ticket had the wrong O.I.D.# on it as well. Lt. Davis personally identified all of the black inmates yet wasn't able to identify any white inmates, interesting? I was forced to do 8 weeks in the hole without due process. All of the inmates except the two (Rodney Toney, and Stewart Longworth Jordan III) were involved in this event on 3/29/20. We were discriminated against, based on our race and subjected to punishments for alleged misconduct deemed exceptible for white prisoners.

Issue 2.) I would like to include Major Fleming, D.O.C., and outside prs, and Ms. Amanda A, all failed to respond to the claims that have been made against this jail. Wrongful action, or theft of my property occurred when I was supposed to receive a Book. I asked to see the

Issue 2 continued.)

(5 of 8)

the policy and why my book was unacceptable. I was told that the (policy was for staff only and not inmates). Additionally after contacting outside prea, we were all told to lockdown for a flex count, when other prisoners asked why we are being locked down a C.O. said "ask Davis" I believe they were doing this so other inmates would afflict violence against me in attempt to silence me for writing multiple outside prea.

Major Flemings priority seems to be keeping a book "White Fratality" from me and not violence due to race interesting? Which brings me to my next issue.

Issue 3.)

In this jail there are many pods that will not allow any minorities. In 2013 I had suffered many injuries that required hospitalization at St. Mary's from 8 white inmates in F4 pod. Black inmates are assaulted viciously and often if placed on the pods, and the staff condones it and does nothing to eliminate this behavior. If attempted to be placed on the racist pods, white inmates shout out sayings for example (This is Sparta) to deter black inmates from entering that

Issue 3 continued.)
pod.

(6 of 8)

Issue 4.)

Happening at the moment is my cell mate (Stewart Longworth Jordan III.) He has been suffering from a serious case of Athletes Feet. He is in pain, and both he and I have requested help and attention for him. The nurse gave him a foot cream but it is ineffective and we were both told that Mr. Jordan would receive an alternative treatment for him but still no treatment weeks later, Mr. Jordan is still currently suffering.

Issue 5.)

In this Major issue Rodney Toney's left arm was so infected that I had to inform nurse Ashley V. and C.O. Wiley during temp checks about his condition. I told them that if they did not get him help to be treated that whatever happened to Mr. Toney would be on their hands. Over an hour later he immediately had to get hospitalized. I seen and witnessed 4 days after Mr. Toney being gone was brought back into B5 pod ignoring the 14 day quarantine and exposed all

Issue 5 continued.)

of all other inmates to more exposed virus. I have emailed Outside prea about the unsanitary conditions in the midst of the pandemic, but yet nothing has happened or helped the unsanitary condition here. I'm a 40 year old Black man who has had 2 open heart surgeries and I'm most vulnerable as are other Black men. This facility has stopped making a effort to keep us Covid-19 free, They've stopped coming into our pool to spray bleach everyday and they also stopped giving inmates Anti-bacterial bar soap. Again I do not feel safe with how this facility is protecting me in this case from an outside virus.

Issue 6.)

Additionally something to inform you about, the temprature I says its roughly 75° in the pool all day, yet it doesn't measure the temprature in the cells. We can not breathe, its atleast 10° hotter when the cell doors are closed. And please do not insult my intelligence by using pandemic as an excuse from temperture as it is a cool 67° in the hallways. If it were warm all over then this wouldnt be an issue but its not staff are

Issue 6 continued.)
comfortable, we suffer.

I've received no response. I've asked why there are no black cooks in the kitchen and why they don't move beyond dishwasher's as well. To the best of my knowledge there are no black women who work here either. Please feel free to see all relevant emails via FOIA.

"In addition, at 3:15 AM on 8/31/20 I had the "box" too inform staff Priest [REDACTED] that my co-workers [REDACTED] were extremely hot. So much so my nose bled. We were ignored till around 6:05 AM I informed staff Jordan (my co-worker) was vomiting & that the heat was simply UNBEARABLE. Medical staff were present (& 204 weeks later still had no one to check on) Jordan to ensure his well-being. As we spoke he is very ill pool of sweat, ~~which~~ I put him in the shower too cool off & he cleared his vomit up. These people are simply ~~stupid~~ no other way to say it. I've done ~~all~~ I did to ask for help. We have even been cut off from kiosk for days. I believe this is no accident as it hasn't happened before I began my complaint against these issues.

V. Relief (continued)):

I have been subjected to. I want \$10,000 for every inmate charged with Assault and Battery wrongfully and that was discriminated against. I want \$20,000 for Stewart Jordan and the pain and suffering that he lives (Cont.)

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

MARJORIE McGEE, Dr. H/B Davis

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____ No

If so, state the name(s) and address(es) of each lawyer contacted:

If not, state your reasons:

I like the attorney that I now deliver complaints to. I like them better because

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____ No

Relief continued.)

through daily. I want \$100,000 for Rodney Toney and the surgery done to his arm. I am to receive 15 percent of Mr. Toney's settlement as it were I and I alone am responsible for results as he acknowledges and agrees too. Named defendants have 60 days from receiving this notice to contact me if they wish to negotiate a settlement and finalize if not we will proceed and see the entire process until its end.

Additionally on 8/27/20 at 8:30 a.m. I asked Sgt. Brewer how to go about getting the signatures listed on this claim. He came back and said Lt. Diamond said no. W.R.F. attempts to destroy my efforts at every turn.

If so, state the lawyer's name and address:

Signed this 8 day of 3/31, 2020



Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/31/20.
(Date)



Signature of Movant/Plaintiff

Signature of Attorney
(if any)

Conclusion.)

What I've outlined are clear facts. I was only given one complaint form so I had little choice but to provide as much info as possible. There are clearly two justice systems in America and they also exist in W.R.F the plausible deniability indifference and neglect of Black inmates has been addressed before yet has gone unremedied this facility embodies the true and correct definition of systemic racism it is covert insidious, more deadly as it is a process as opposed to a single action it is a system that is uninclusive that beats you into submission isolates you ultimately crushing the will your told those things only exist in your mind so much you almost believe them. You labeled a trouble maker and given medication to dull the mental faculties then dismissed. I will not be so easily discouraged. I feel so strongly about these issues that I have put up my own money to further cause. I hope this is not lost on this court and only legitimates. W.R.F cares little or if at all for the safety or the well being of black inmates. W.R.F only wished to punish and discipline black inmates when deemed necessary yet

Conclusion continued)
allowing white inmates to continue doing
as they wish.

And if Mr. Toney did not have me to
champion his calls the infection would have
spread to his heart and would have been dead.
Medical does not care either, they are poorly
trained and dismissive. Please your honor right
these wrongs, hold them accountable, as I
have to be accountable for what brought
me here. Accountability shouldnt be a
one way street.

8/31/20 10:20am

Spoke with Captain Stepp after asking
to receive copies in self origin (too court
today...was told that I have to give it
"self" to do so i could not "self" self certified
or priority either. When I declined to give
them my original she left. WRJ is attempting
to keep this information from the court
by all means. Please feel free to deduct
what is necessary in order to proceed from
funds at WRJ. Thank you.

ALFRED DAVIS JR.
ONE OFFICE PL.
BLURBORN/WHITEWATER 25504



BS

CLERK UNITED STATES
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